

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

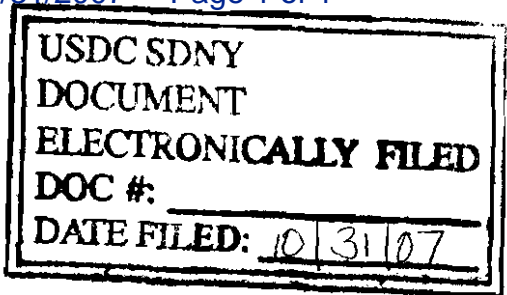
-----X
NEW YORK HELICOPTER CHARTER, INC. and
MICHAEL ROTH individually

Plaintiffs

-against-

AIR PEGASUS HELIPORT, INC, HUDSON RIVER
PARK TRUST and the FEDERAL AVIATION
ADMINISTRATION

Defendants
-----X



07 Civ. 4069 (MGC)

NOTICE OF MOTION

MEMO ENDORSED

PLEASE TAKE NOTICE that upon the Complaint in this action dated May 24, 2007, attached hereto, the Memorandum of Law in Support of this Motion, dated July 11, 2007, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this court, at the Courthouse at 500 Pearl Street, New York, N.Y. at 9:30 A.M. on the 25th day of October, 2007, or as soon thereafter as counsel can be heard, for dismissal of each of the causes of action in the complaint alleged against Defendant Air Pegasus Heliport, Inc. pursuant to Fed. Rules of Civil. Proc. 12(b)(1) and (6) for lack of jurisdiction over the subject matter and failure to state a claim upon which relief may be granted and for such other and further relief as this Court may deem just and proper.

Motion mooted by leave to file amended complaint, may be renewed after amended complaint is filed on November 13, 2007. For oral opinion, see record of proceeding.

So ordered.
October 29, 2007

S / United States District Judge